



Judgment

911 apl 1388.23

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO. 1388/2023

1. Mansoor Anfal Mani s/o Mohammad,
Ameen Mani, aged about 51 yrs.,
Occ. Business,
2. Atikha Mani w/o Mohammad Ameen
Mani, aged about 69 yrs., Occ. Household,
3. Yasir Mani s/o Mohammad Ameen
Mani, aged about 44 yrs., Occ. Business,
4. Shagufa Mani w/o Yasir Mani,
Aged about 36 yrs., Occ. Household,

Applicant Nos.1 to 4 are R/o. Jonsen
Market, Shanthi Nagar, Arab Lane,
Chand Roza Apartment, 2nd Floor near
Teksilicon Technology Pvt., Bengluru,
Karnataka – 560025.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra through
Police Station Officer, Kapil Nagar,
Police Station, Nagpur.
2. Shameen Bano (Juwairiyah) w/o
Mansoor Anfal Mani & d/o Afsar
Hussain, aged about 40 yrs.,
Occ. Household, R/o. C/o. Mohammad
Shafi, Plot No. 106, Raza Town, Naka
No.2, Kamptee Road, Khasala,
Nagpur 441001.

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NON-APPLICANTS

Mr. A.M. Haque, Advocate for applicants.
Mr. S.M. Ghodeswar, APP for non-applicant No.1.
Mr. N.Z. Mirza, Advocate for non-applicant No.2.

CORAM : VINAY JOSHI,
VALMIKI SA MENEZES, JJ

DATED : 05.10.2023

ORAL JUDGMENT (PER: VINAY JOSHI, J)

Heard.

2. Learned counsel appearing for informant waives service of notice.

3. **Admit.**

4. This is an application seeking to quash First Information Report ('FIR') vide Crime No. 48/2023 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code registered with Police Station Kapil Nagar, Tq. and Dist. Nagpur and related Criminal Case bearing RCC No. 2845/2023 pending on the file of learned Judicial Magistrate First Class, Nagpur (Corporation Court No.7).

5. The informant lady got married with applicant No.1 on 10.03.2022. The couple resumed cohabitation, but due to differences, they started to reside separately. Feeling matrimonial harassment, informant lodged report, on the basis of which Police has registered crime. The investigation is complete and charge-sheet has been filed. It is informed that yet the Trial Court has not framed charges.

6. The couple has no issue from the marriage. In the meantime, with the intervention of friends and elders of the family, they have decided to sever matrimonial ties. In accordance with that, divorce was obtained by customary mode.

7. As per settlement, husband has handed over cheque of Rs. 5,00,000/- to the wife towards permanent alimony. The parties have executed memorandum of settlement which is produced on record. As per memorandum, wife has agreed to cooperate for quashing of the criminal prosecution as she does not intend to prosecute the same.

8. Today, the informant is present in the Court who is identified by her Advocate Mr. N.Z. Mirza. She is accompanied with her sister and sister's husband. On our query, the informant lady has accepted about the settlement, execution of memorandum of settlement and her non-inclination to continue criminal prosecution. Applicant No.1 (Husband) is present before us who has made a statement that the cheque has would be honoured. We accept his statement as an undertaking given to the Court.

9. The dispute is of matrimonial nature which cannot be termed as anti-social or heinous. For the betterment of both, they have taken decision to sever matrimonial ties. In order to maintain harmony in both the families, they have taken a decision to discontinue the criminal prosecution.

10. In view of settlement, continuation of criminal prosecution amounts to abuse of process of the Court. In the circumstances, by invoking our inherent powers, we hereby quash and set aside FIR vide Crime No. 48/2023 for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code registered with

Police Station Kapil Nagar, Tq. and Dist. Nagpur and related criminal case bearing RCC No. 2845/2023 pending on the file of learned Judicial Magistrate First Class, Nagpur (Corporation Court No.7).

11. Application stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)